

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 941 of 2016**

Narendra Jonwal, S/o Shri Gangaram Jonwal, Aged about 25 years, R/o M-206, Raghubir Nagar, Tagore Garden, West Delhi, New Delhi (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Chowki CSEB, Through: SHO Kotwali, PS Kotwali, District Korba (C.G.)

-----Non-applicant

For Applicant: Mr. Jairaj Mudgal, Mr. Ramakant Kashyap & Mr. Saleem Kazi, Advocate.

For Respondent/State: Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 403/2015 registered at Police Station Kotwali Chowki CSEB, District Korba (C.G.) for the offences punishable under Sections 420, 467 & 468 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that at the instance of applicant, complainant deposited Rs. 1,10,000/- in the account number given by him and thereby applicant withdrawn the said amount by opening forged account in the name of Sanjay Gupta and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has nothing to do with the same and it is Sanjay Gupta, in whose account the amount was deposited and he has withdrawn the amount and, as such, the applicant is languishing in jail since 5.10.2015 and the charge sheet has already been filed and, therefore, he is entitled to be released on bail.

(4) On the other hand, counsel for the State would submit that applicant opened forged account in the name of Sanjay Gupta and withdrawn the said amount, which is apparent from the CCTV footage seized by the police and the other evidence and material available in the case diary shows that applicant on the basis of forged *Adhar Card* opened the forged account in the bank in the name of Sanjay Gupta and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case, looking to the nature & gravity of the offence and the manner in which the applicant has got the amount deposited in the said account and withdrawn the amount and the evidence available in the case diary, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-